

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER SPENCE, an individual, on :
his own behalf and on behalf of all similarly
situated, :

Plaintiff, :

v. : 07 CV 5611 (JGK)

CODEMASTERS INC. and
CODEMASTERS USA GROUP, INC., :

Defendants. :

x

STIPULATION AND [PROPOSED] ORDER
EXTENDING TIME TO RESPOND TO COMPLAINT

TO THE HONORABLE COURT:

IT IS HEREBY STIPULATED AND AGREED, by counsel for the parties listed
below, that:

- I. Defendants in the above-captioned action shall respond to the Complaint
in this case on or before October 18, 2007. September 17, 2007.

USDC SDNY
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DOC. #:
DATE FILED: 8-14-07

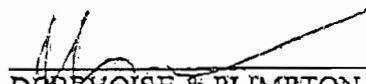
2.. By entering into this stipulation, defendants do not waive any defenses that otherwise could be asserted through a motion pursuant to Fed. R. Civ. P. 12 or otherwise.

Dated: New York, New York
July 23, 2007


KAMBER & ASSOCIATES, LLC
Scott A. Kamber
Ethan Preston
11 Broadway, 22d Floor
New York, NY 10004
Telephone: (212) 920-3072
Facsimile: (212) 202-6364

Attorneys for Plaintiff

Dated: New York, New York
July 13, 2007


DBBEVOISE & PLIMPTON LLP
Jeffrey S. Jacobson
919 Third Avenue
New York, New York 10022
Telephone: (212) 909-6000
Facsimile: (212) 909-6836

Attorneys for Defendants

SO ORDERED this 13th day of August, 2007.


United States District Judge

AO 399 (Rev. 10/95)

WAIVER OF SERVICE OF SUMMONS

TO: Orcn Giskan

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Codemasters USA Group Inc.
(DEFENDANT NAME)

, acknowledge receipt of your request

that I waive service of summons in the action of Spence v Codemasters Inc et al
(CAPTION ACTION)
which is case number 07 CV 5611
(DOCKET NUMBER) in the United States District Court
for the District of Southern District of New York

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 7/8/07
(DATE REQUEST WAS SENT)
or within 90 days after that date if the request was sent outside the United States.17 JULY 2007

(DATE)

(SIGNATURE)

Printed/Typed Name: Jeffrey S. Jacobson, Counselor Plaintiff LLP
As Attorant' For CODEMASTERS USA GROUP, INC.
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unsound, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

AO 399 (Rev. 10/95)

WAIVER OF SERVICE OF SUMMONSTO: Oren Giskan

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Codemasters, Inc,
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(CAPTION ACTION)
which is case number 07 CV 5611
(DOCKET NUMBER) in the United States District Court
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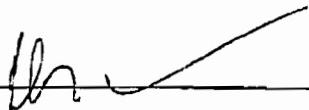
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(DATE REQUEST WAS SENT)
or within 90 days after that date if the request was sent outside the United States.17 July 2007

(DATE)



 (SIGNATURE)
Printed/Typed Name: James S. Jacobson, Devolver PlayPen USAAs ATTORNEY For CODEMASTERS, INC
(TITLE) (CORPORATE DEFENDANT)**Duty to Avoid unnecessary Costs of Service of Summons**

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